

Date Mailed
November 27, 2002

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Investigation Into Ameritech Wisconsin's Loop Conditioning Services and Practices	6720-TI-177
Investigation Into Ameritech Wisconsin Operational Support Systems	6720-TI-160
Investigation Into Ameritech Wisconsin's Unbundled Network Elements	6720-TI-161
Petition of Wisconsin Bell, Inc., for a Section 271 Checklist Proceeding	6720-TI-170
Investigation Into the Complaint of TDS Metrocom, LLC Against Wisconsin Bell, Inc (d/b/a Ameritech Wisconsin)	6720-TI-176

**NOTICES OF PROCEEDING,¹ AMENDED NOTICES OF PROCEEDING,² AND
NOTICE OF PREHEARING CONFERENCE**

Prehearing Conference Date:	December 9, 2002 – 10:00 a.m.
Conference Location:	Public Service Commission, 610 North Whitney Way, Madison, WI

THIS IS A PROCEEDING initiated on the Commission's own motion to provide a coordinated and timely resolution to the disputed issues regarding Wisconsin Bell, Inc. d/b/a Ameritech Wisconsin ("Ameritech's") obligation to condition loops, the process by which competitive local exchange carriers ("CLECs") request, and Ameritech completes, loop conditioning orders; and how Ameritech recovers its costs from CLECs. This proceeding is initiated pursuant to the Commission's consideration of the loop conditioning issues in the various dockets at its Open Meeting of October 31, 2002.

¹ For Dockets 6720-TI-176 and 6720-TI-177.

² For Dockets 6720-TI-160, 6720-TI-161, and 6720-TI-170.

Dockets 6720-TI-177, 6720-TI-160, 6720-TI-161, 6720-TI-170, & 6720-TI-176

Ameritech and CLECs have debated issues associated with loop or line conditioning for Integrated Services Digital Network (“ISDN”) and Digital Subscriber Line (“xDSL”) capable loops for the past several years.³ While there has been progress in addressing these issues, disputes remain to be addressed in three major dockets and, with the issuance of this notice, the TDS Metrocom (“TDS”) complaint docket, docket 6720-TI-176. The inter-relationship of these dockets was discussed in the collaborative sessions held in Ameritech’s 271 docket (6720-TI-170). Since the collaborative meetings, other related docket activities have occurred. Namely, Ameritech filed a motion in the unbundled network element (“UNE”) pricing docket (6720-TI-161) on September 10, 2002, to reopen the record, or alternatively to handle loop conditioning rates as a complaint. In addition, TDS filed a complaint against Ameritech on October 3, 2002, alleging violation of its interconnection agreement, and the Commission’s orders in dockets 6720-TI-160 (“OSS”) and 6720-TI-161 (“UNE Pricing”).

On its own motion, the Commission is consolidating the investigation and resolution of all outstanding line conditioning issues from the four dockets into the instant docket. This investigation is commenced pursuant to Wis. Stats. §§ 196.20, 196.219, 196.26, and 196.37(2), and other provisions of Wis. Stat. ch. 196 as may be pertinent hereto.

THE COMMISSION AMENDS THE NOTICES OF PROCEEDING and reopens the OSS and UNE Pricing dockets for the sole purpose of amending those orders on the loop conditioning issues noticed herein and supplemented pursuant to the prehearing conference.

THE 271 PROCEEDING is ongoing and the results of this proceeding, and compliance with any Commission determinations therein, will be taken into consideration in the Commission’s deliberations of Ameritech Wisconsin’s compliance with the requirements of 47 U.S.C. § 271, created by the Telecommunications Act of 1996. The loop conditioning issues identified in the 271 proceeding will be addressed as issues for this proceeding.

DOCKET 6720-TI-176 is a PROCEEDING pursuant to a complaint filed by TDS On October 3, 2002, against Ameritech. The complaint was filed pursuant to Commission authority under numerous statutory provisions,⁴ including Wis. Stat. § 196.199. The complaint asserts that Ameritech “has willfully violated the OSS Order, the UNE [Pricing] Order, and the Interconnection Agreement by failing to remove *all* devices that may diminish the capability of the loop and by imposing additional charges for the removal of bridged tap⁵ less than 2,500 feet.”

³ This issue was litigated in AADS’ certification case (7825-TI-100), which was combined for the purpose of hearing with the Commission’s investigation into Ameritech’s digital services and facilities (6720-TI-154).

⁴ “Even if this Commission were to find that Ameritech’s violations did not have a significant adverse effect on the ability of TDS Metrocom to provide telecommunications services to its customers or its potential customers, the Commission still is authorized to hear and resolve this Complaint under §§ 196.02, 196.03, 106.219, 196.26, 196.28, and 196.37, Stats.” (TDS Metrocom Complaint at par. 110.)

⁵ A bridged tap is any portion of a loop that is not in the direct electrical path between the central office and the service user’s terminating equipment. A bridged tap may be an unused cable pair connected at an intermediate point or an extension of the circuit beyond the service user’s location. A bridged tap creates an impedance mismatch within the transmission line, which creates signal reflections that, while generally not noticed in standard voice grade service, become significant with high frequency digital transmission services.

While TDS describes the matter as seriously affecting its ability to offer DSL services to its customers, the Commission does not see that the dispute is grounded in a violation of the interconnection agreement by Ameritech. At no place in the parties' Interconnection Agreement is the term "conditioning" defined and the agreement provides narrower terms for line conditioning than the Commission has allowed in the past. The Commission concludes that because the alleged harm to TDS does not result from violation of the interconnection agreement, Wis. Stat. § 196.199, is not pertinent authority for the proceeding. Accordingly, with this notice the commission opens the proceeding in docket 6720-TI-176 as a complaint investigation pursuant to authority granted in Wis. Stat. § 196.26.

The issues to be addressed in this proceeding include:

1. Is Ameritech currently required to remove from loops bridged tap⁶ under 2,500 feet in length, or to provide conditioning for loops over 17,500 feet in length? If so, under what statute, rules, or orders?
2. Does the order in Docket 6720-TI-161 require a single recurring charge for removing bridged tap under 2,500 feet in length or conditioning loops over 17,500 feet in length? If not, should the Commission supplement its order in 6720-TI-161 regarding these terms?
3. Should the CLEC or Ameritech cost study in docket 6720-TI-161, or some modification thereof, be selected for pricing purposes?
4. Are there additional costs for conditioning loops with bridged taps under 2,500 feet in length, or conditioning loops over 17,500 feet in length, or providing remote testing? If so, what are those costs; and how should those costs be recovered?
5. Does the order in Docket 6720-TI-160 adopting the Facilities Modification ("FMOD") policy govern provisioning procedures for conditioning loops under 2,500 feet in length, or conditioning loops over 17,500 feet in length? If not, should the Commission supplement its order in 6720-TI-160 regarding these terms?
6. How do the OSS docket's provisions regarding A-AA compliance, including true-ups and FMOD policy and timing, and the UNE Pricing Order's true-ups provisions apply?
7. Any other issues determined relevant by the Administrative Law Judge.

NOTICE IS GIVEN that the Commission will hold a prehearing conference on December 9, 2002, at 10:00 a.m. in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, and continuing at times to be set by the presiding Administrative Law Judge. This building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building. Any person with a disability who needs additional accommodations should contact the docket coordinator listed below.

⁶ For purposes of this proceeding "bridged tap" and "bridge tap" are synonymous, however, "bridged tap" is used. Further, the term bridged tap may be used for a single tap or may be used for a total length of one or more bridged taps on a loop.

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The Commission deems it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices, and activities of Ameritech, that Ameritech pay the expenses attributable to the investigation or proceeding, including the cost of litigation. The expenses shall be assessed against and collected from SBC/Ameritech in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

The prehearing conference is being held to: (1) identify persons who will actively participate as full parties; (2) identify issues; (3) determine the date and time for a hearing; (4) specify how evidence from the records in other dockets will be entered into the record for this docket; (5) specify dates for filing testimony and exhibits; and (6) any other matters that will facilitate the hearing.

Although the parties in docket nos. 6720-TI-160, 6720-TI-161, 6720-TI-170 and 6720-TI-176 are parties in this docket, not all parties may have an interest in the instant docket. For purposes of establishing a service list in this specific docket, parties desiring to participate shall so inform the Administrative Law Judge on or before the preliminary hearing conference. Any other person desiring to become a party shall file a request pursuant to Wis. Stat. § 227.44(2m) and Wis. Admin. Code § PSC 2.21(3) no later than ten days from the date of mailing this notice. The request shall be addressed to Administrative Law Judge David C. Whitcomb, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, Wisconsin 53707-7854.

This is a Class 1 proceeding as defined in Wis. Stat. § 227.01(3)(a).

The Commission does not discriminate on the basis of disability in the provision of programs and services. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed below.

Questions regarding this matter may be directed to docket coordinator Jeffrey J. Richter at (608) 267-9624.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

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